GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – BC Welfare Department – Departmental proceedings under Rule 20 of Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991 read with Rule 9 of A.P. Revised Pension Rules, 1980 against Sri M.John Mathaiah, the then Assistant B.C. Welfare Officer, Repalle, Guntur District (now retired)- Article of Charges – Orders – Issued.

BACKWARD CLASSES WELFARE (D) DEPARTMENT

G.O.Rt.No. 25, **Dated:14-02-2022.**
Read the following:

1. From the Director General, ACB, A.P., Vijayawada, Rc.No.49/DES-VGT/2017-S.17, dt.22.04.2019.
2. G.O.Ms.No.58, BC Welfare (Vig.D) Dept., dated.19.07.2019.

-:0:-

ORDER:

In pursuance of the sanction accorded by the Government vide reference 2nd read above, under Sub-Clause (i) of clause (b) of Sub-Rule (2) of Rule 9 of Andhra Pradesh Revised Pension Rules, 1980 for initiating departmental proceedings against Sri M.John Mathaiah, the then Assistant B.C. Welfare Officer, Repalle, Guntur District (now retired), it is considered necessary to hold an inquiry against the said Sri M.John Mathaiah, the then Assistant B.C. Welfare Officer, Repalle, Guntur District (now retired) in accordance with the procedure laid down in Rule 20 of the Andhra Pradesh Civil Services(Classification, Control & Appeal) Rules, 1991.

2. The substance of the imputations of misconduct or misbehavior in respect of which the enquiry is proposed to be held is set out in the enclosed statement of article of charge (Annexure-I and II). A list of documents by which and a list of witnesses by whom, the article of charges are proposed to be sustained are also enclosed (Annexure-III and IV).

3. Sri M.John Mathaiah, the then Assistant B.C. Welfare Officer, Repalle, Guntur District (now retired), is directed to submit his written statement of defence within ten (10) days of the receipt of this order.

4. Sri M.John Mathaiah, the then Assistant B.C. Welfare Officer, Repalle, Guntur District (now retired), is informed that an inquiry will be held only in respect of those article of charges as are not admitted. He should, therefore, specifically admit or deny article of charge.

5. Sri M.John Mathaiah, the then Assistant B.C. Welfare Officer, Repalle, Guntur District (now retired), is further informed that if he does not submit his written statement of defence on or before the period specified in Para 3 above or otherwise fails or refuses to comply with the provisions of Rule 20 of Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991 or the orders / directions issued in pursuance of the said rules, the Inquiring Authority may hold the inquiry against him ex-parte.

6. Sri M.John Mathaiah, the then Assistant B.C. Welfare Officer, Repalle, Guntur District (now retired), is informed that Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964 stipulates that under no circumstances, Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interests in representation is received on his behalf from another person in respect of any matter dealt within these proceedings, it will be presumed that the said Sri M.John Mathaiah, the then Assistant B.C. Welfare Officer, Repalle, Guntur District (now retired) is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

7. The receipt of this G.O. shall be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

G.ANANTHA RAMU
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
Sri M.John Mathaiah, the then Assistant B.C. Welfare Officer, Repalle, Guntur District (now retired) "through" the Director of BC Welfare, A.P., Vijayawada.

Copy to:
The Director of BC Welfare, A.P., Vijayawada. (with a request to serve this order copy and return the dated acknowledgment copy and the Written Statement of Defense of Charged Officer)
SC.

//FORWARDED:: BY ORDER//

SECTION OFFICER

[Annexure to G.O.Rt.No.25, BC Welfare (D) Dept., Dt:14.02.2022]

ANNEXURE-I

STATEMENT OF ARTICLE OF CHARGE AGAINST SRI M. JOHN MATHAIAH, THE THEN ASSISTANT B.C. WELFARE OFFICER, REPALLE, GUNTUR DISTRICT (NOW RETIRED):-

While working as Assistant B.C. Welfare Officer, Repalle, Guntur District (now retired), Sri M. John Mathaiah has committed the following grave misconduct in as much as:

CHARGE :-

That Sri M.John Mathaiah has not visited Govt. B.C. Welfare Hostel for Girls, Nizampatnam Village and Mandal during that academic year 2017-18. He did not issue any memo to HWO regarding the irregularities noticed in the hostel; and did not make any entry in the inspection register of the hostel; and also he failed to bring the aforesaid irregularities to the notice of higher officials of the department. Thereby he showed gross negligence, lack of devotion to duty and conduct unbecoming of a Govt. Servant. Despite holding a supervisory post, he failed to ensure the integrity and devotion to duty of HWO who was then under his control and authority.

Thus, Sri M.John Mathaiah, S/o Joseph, by his above-mentioned acts, has exhibited lack of integrity, devotion to duty and his conduct is unbecoming member of State Government Service and thereby violated Rules 3(1), 3(2) & 3(5) of APCS (Conduct) Rules 1964 r/w. Rule 9(2)(b) of A.P. Revised Pension Rules, 1980.

G.ANANTHA RAMU
SPECIAL CHIEF SECRETARY TO GOVERNMENT

//FORWARDED:: BY ORDER//

SECTION OFFICER

[Annexure to G.O.Rt.No.25, BC Welfare (D) Dept., Dt:14.02.2022]

ANNEXURE –II

STATEMENT OF IMPUTATION OF MISCONDUCT IN SUPPORT OF ARTICLE OF CHARGES FRAMED AGAINST SRI M.JOHN MATHAIAH, THE THEN ASSISTANT B.C. WELFARE OFFICER, REPALLE, GUNTUR DISTRICT (NOW RETIRED):-

On credible information that Smt. Telagathoti Sajini, Hostel Welfare Officer, Govt. B.C. College Girls hostel, Repalle and I/c. Govt. B.C. Hostel for Girls, Nizampatnam Village & Mandal, Guntur District, R/o. H. No. 9-35-90, Uppudu Road, Repalle town, Guntur district was not maintaining Records/Registers properly and committing irregularities, a surprise check was conducted on the above mentioned hostel by the Inspector, Range-II, ACB, Guntur District on 15-07-2017 between 06.00 AM and 5.00 PM in the presence of two mediators.

The surprise check party went to the said hostel at 6.10 A.M. but no body was found in the hostel and no boarder was found to be present in the hostel. The hostel's main gate was found to be closed with a lock from the inside whereas its small gate was found to be locked from the outside with a lock. Meantime, three boarders came to the hostel and informed the ACB officials and mediators that the in-charge hostel warden Smt. T. Sajini was residing at Repalle town and hostel cook Smt. M. Ramana was residing in the Nizampatnam village near the hostel. Then the Inspector of Police, Range-II, ACB, Guntur sent a person to call the cook of the hostel so that she could open the hostel gates. At about 06.45 hours, the cook came and opened the hostel gate with the keys available with her.

The Inspector of Police, Range-II, ACB, Guntur introduced himself and the members of the surprise check party and mediators to the hostel cook Smt. M. Ramana and ascertained her identity as Smt.Mopidevi Ramana, W/o. Sri Parameswara Rao, aged 31 yrs, Nizampatnam Village and Mandal, who has been working as Cook in the hostel on out sourcing basis for the last last 5 years. Then the Inspector of Police, Range-II, ACB, Guntur asked the Cook about the HWO. Then she informed that HWO Smt.T.Sajini was her immediate superior officer as she was the in-charge HWO, BC Girls hostel, Nizampatnam and she was staying at Repalle town and she was a regular warden of the B.C. College Girls Hostel, Repalle town.

Then the Inspector, ACB, Guntur contacted the Deputy Director, District B.C. Welfare, Guntur district on phone and requested to direct the HWO, B.C. Girls Hostel and A.B.C.W.O., Repalle to appear before him.

Then the Inspector, ACB inspected the premises of the hostel in the presence of mediators and the cook. The cook opened the main gate of the hostel building. The hostel was being run in a Govt. building at Nizampatnam village vide its electrical SC.No.5094. It is one L-shape portioned RCC building. The main gate was facing towards east. The building consisted of 8 rooms. Out of those rooms, 3 rooms were situated in the western side and those were kitchen room, store room for vegetables and NTR Dining hall running from south to north. On the northern side, a room named Ambedkar Room was located facing south and it was being utilized as the office room of H.W.O. On its eastern side, three rooms were located and those rooms were named after Santhibai Pule, Jyothi Rao Pule and Kasturba Gandhi and they were being utilized as rooms for the accommodation of the boarders. A room named as Mahatma Gandhi room was being utilized as store room. The wash basin and 17 toilet-cum-bath rooms were situated on the western side of the hostel adjacent to the kitchen room.

Meanwhile, a few boarders came to the Hostel. Then the Inspector, ACB, Guntur secured the presence of boarders and examined them. All the boarders unanimously stated that Smt.T.Sajini has been the in-charge HWO to their hostel since April, 2017. Previously Smt.B.Sukanya was the regular HWO for their hostel

but she went on leave. While Smt.B.Sukanya was the regular HWO for their hostel, she used to visit the hostel at 6.00AM daily, stay at the hostel till evening and leave the hostel after arrival of the boarders in the hostel from their schools. The present warden Smt.T.Sajini would come to the Hostel at about 4.00 PM in the evening and leave the hostel at about 06.00 PM after instructing the boarders and also by taking their attendance. Usually 10 pupils who were residents of Nizampatnam village were the boarders for that hostel. They would come to the hostel at about 07.00 AM in the morning. After studying for about an hour in the hostel, they would have breakfast prepared by the cook at the hostel. Then they would leave the hostel to go to their home. From there, they would go to the school after getting ready. No other pupil would come to the hostel in the morning except these 10 boarders. After attending the school, these boarders who were the residents of Nizampatnam village and other boarders from other villages would come to the hostel, sign in a register and study for some time. The non-local pupils would leave the hostel after each of them would eat an egg in the evening and then they would go home. Usually about 10 boarders who were non-residents of Nizampatnam village and about 30 boarders who were the residents of Nizampatnam village would have dinner at the hostel. No boarder would stay in the hostel for long as there was no watchman in their hostel. Nobody would eat at the hostel during the afternoon. Further, they stated that every day other than Thursday and Saturday one egg to each boarder was being given and snacks like biscuits were given on Thursday and Payasam would be given on Saturday. No mineral water supply was available in their hostel. Hence, they were drinking tap water only. Till the day of surprise check, no doctor had visited their hostel for their health check up. Till last year, cosmetic charges were given to every boarder but no cosmetic charges were paid to the boarders for this year. Every year, one blanket and one bed sheet used to supplied to each boarder but no blanket or bed sheet was supplied for this year. There is no "menu display" in their hostel to be followed for a week nor any menu was being implemented.

At about 10.45 AM, the I/c. H.W.O. Smt. T. Sajini, came to the hostel on the instructions of her superior officer and appeared before the Inspector, ACB, Guntur.

On examination, the I/c. H.W.O. Smt.T.Sajini stated that she has been working as HWO, B.C. College Girls Hostel, Repalle since 31-10-2008. She took the charge of HWO, B.C. Girls Hostel, Nizampatnam on 05-04-2017 as the regular HWO Smt.B.Sukanya went on medical leave. Smt.M.Ramana has been working as a cook on outsourcing basis and Smt.J.Samadhanam, a regular employee, has been working as Kamati. On 15-07-2017 i.e. on the day of surprise check, Smt.J. Samadhanam, Kamati absented herself from duty without any intimation. The watchman post for this hostel is vacant since she took the charge. The boarders were not staying in the hostel due to non-availability of the watchman. As she was holding the charge of two hostels, she was unable to spend full time in this hostel.

The Inspector, ACB, requested the HWO to produce the records/ Registers were being maintained in the hostel. Accordingly, the HWO produced the as many as 17 records/ registers. Hence, it is clear that some of the register/ records are not being maintained properly by the HWO Smt.T.Sajini and her predecessor Smt. B.Sukanya.

After completion of the verification of records, the Inspector, ACB, Guntur examined the HWO regarding the above irregularities. During examination of HWO, the HWO remained silent.

The Mediators' Report was typed by one of the mediators in the laptop of ACB officials on the dictation of another mediator from 06.00 AM to 05.00 PM on 15.07.2017.

That the Govt. Servant i.e., Sri M.John Mathaiah has not visited Govt. B.C. Welfare Hostel for Girls, Nizampatnam Village and Mandal during that academic year. He did not give any memo to HWO regarding the irregularities noticed in the hostel. The Govt. Servant did not make any entry in the inspection register of the hostel. He failed to bring the aforesaid irregularities to the notice of higher officials of the department. Thereby the HWO showed gross negligence, lack of devotion to duty and conduct unbecoming of a Govt. Servant. Despite holding a supervisory post, he failed

to ensure the integrity and devotion to duty of Smt.T.Sajini, Hostel Welfare Officer, who was then under his control and authority."

That the Govt. Servant i.e., Sri M.John Mathaiah is the immediate Superior Officer of Smt.T.Sajini, Hostel Welfare Officer and he was also present at the time of surprise check. He also noticed the irregularities committed by the HWO pointed out by the ACB check party. When the Govt. Servant was questioned with regard to his lack of supervision and the reasons for not inspecting the hostel as per the Rules and Regulations, he could not give proper reply. The same facts were incorporated in the surprise check report dt.15.07.2017.

Thus, the said Sri M.John Mathaiah, ABCWO(Rtd.) by his above mentioned acts, he exhibited lack of integrity, devotion to duty and conduct unbecoming of a member of service by contravened Rule 3(1)(2) and (5) of A.P.C.S (conduct) Rules 1964 r/w Rule 9(2)(b) of A.P. Revised Pension Rules, 1980.

G.ANANTHA RAMU
SPECIAL CHIEF SECRETARY TO GOVERNMENT

//FORWARDED:: BY ORDER//

SECTION OFFICER

[Annexure to G.O.Rt.No.25, BC Welfare (D) Dept., Dt:14.02.2022]

ANNEXURE-III

LIST OF DOCUMENTS BY WHICH THE ARTICLE OF CHARGES FRAMED AGAINST SRI M.JOHN MATHAIAH, THE THEN ASSISTANT B.C. WELFARE OFFICER, REPALLE, GUNTUR DISTRICT (NOW RETIRED) ARE PROPOSED TO BE SUSTAINED:

1. Mediators Report (Surprise Check Proceedings) drafted on 15.07.2017 at Government B.C. Welfare Hostel for Girls, Nizampatnam Village & Mandal, Guntur district.

2. Visitors cum Inspection Register (Visitors Register)

3. Letter of Smt.D.Kalpana Bebi, Deputy Director, B.C. Welfare, Guntur vide Rc. No.A1/78/2017, dt:28.02.2018 regarding furnishing of service particulars of G.S.2 Sri M. John Mathaiah, Asst.B.C.Welfre Officer, Repalle, Guntur district.

4. If any document found necessary they will be produced at the time enquiry.

G.ANANTHA RAMU
SPECIAL CHIEF SECRETARY TO GOVERNMENT

//FORWARDED:: BY ORDER//

SECTION OFFICER

ANNEXURE-IV

LIST OF WITNESSESS BY WHOM THE ARTICLE OF CHARGES FRAMED AGAINST SRI M.JOHN MATHAIAH, THE THEN ASSISTANT B.C. WELFARE OFFICER, REPALLE, GUNTUR DISTRICT (NOW RETIRED) ARE PROPOSED TO BE SUSTAINED:

(1) Smt. Amarthaluri Sumadhura Vani, W/o T.Venkateswarlu, Industrial Promotional Officer, O/o General Manager, District Industries Centre, Guntur district, R/o H.No. 36-26-202, Near Supdt. Of Police Bungalow, Akulavaari Thota, Guntur town, N/o IREF Church, Repalle Town, Guntur district. (Mediator)

(2) Sri Shaik Jani Shaida, s/o Late Sri Nagul Meeravali, Typist, O/o General Manager, District Industries Centre, Guntur district, Guntur R/o D.No. 24-26-48, Indiragandhi Nagar, Nallacheruvu, Guntur (Mediator)

(3) Sri T.Venkateswarlu, Inspector, Range-II, ACB, Guntur.

(4) If any witness found necessary, they will be produced at the time enquiry.

G.ANANTHA RAMU
SPECIAL CHIEF SECRETARY TO GOVERNMENT

//FORWARDED:: BY ORDER//

SECTION OFFICER